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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TED SCHLATRE, Individually  
and on Behalf of All Others Similarly  
Situating,

Plaintiff,

v.

MARATHON DIGITAL HOLDINGS, INC.  
f/k/a MARATHON PATENT GROUP,  
INC., MERRICK D. OKAMOTO,  
FREDERICK G. THIEL, and SIMEON  
SALZMAN,

Defendants.

Case No. 2:21-CV-02209-RFB-NJK

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
MOTION OF EVAN DANA FOR  
APPOINTMENT AS LEAD PLAINTIFF  
AND APPROVAL OF SELECTION OF  
COUNSEL**

1 Having considered the Motion of Evan Dana (“Dana”) for Appointment as Lead Plaintiff  
2 and Approval of Selection of Counsel (the “Motion”):

3 **IT IS HEREBY ORDERED THAT:**

- 4 1. The Motion is granted.
- 5 2. This Order (the “Order”) shall apply to the Action and to each case that relates to  
6 the same subject matter that is subsequently filed in this Court or is transferred to this Court, and  
7 is consolidated with the Action.

8 **I. MASTER DOCKET AND MASTER FILE**

9 3. A Master Docket and Master File shall be established for the Action. The Master  
10 File shall be captioned *In re Marathon Digital Holdings, Inc. Securities Litigation*, No. 21-cv-  
11 02209 (D. Nev.). All orders, pleadings, motions and other documents shall, when filed and  
12 docketed in the Master File, be deemed filed and docketed in each individual case to the extent  
13 applicable. When an order, pleading, motion or document is filed with a caption indicating that it  
14 is applicable to fewer than all of these consolidated actions, the Clerk shall file such pleadings in  
15 the Master File and note such filing in the Master Docket and in the docket of each action  
16 referenced.

17 4. When a case that arises out of the same subject matter of the Action is hereinafter  
18 filed in this Court or transferred from another court, the Clerk of this Court shall:

- 19 a. File a copy of this Order in the separate file for such action;
- 20 b. Mail a copy of this Order to the attorney for the plaintiff(s) in the newly-filed  
21 or transferred case and to any new defendant(s) in the newly-filed or transferred  
22 case; and
- 23 c. Make the appropriate entry in the Master Docket for the Action.

24 5. Each new case that arises out of the subject matter of the Action which is filed in  
25 this Court or transferred to this Court, shall be consolidated with the Action and this Order shall  
26 apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of  
27 this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel  
28 for such party, by filing an application for relief and this Court deems it appropriate to grant such

1 application. Nothing in the foregoing shall be construed as a waiver of the Defendants' right to  
2 object to consolidation of any subsequently-filed or transferred related action.

3 **II. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

4 6. Dana is appointed to serve as Lead Plaintiff in the Action pursuant to 15 U.S.C. §  
5 78u-4(a)(3)(B).

6 7. Dana's selection of Labaton Sucharow LLP as Lead Counsel for the Class is  
7 approved pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v). Lead Counsel shall have the authority to  
8 speak for all Plaintiffs and Class members in all matters regarding the litigation, including, but not  
9 limited to, pre-trial proceedings, motion practice, trial, and settlement. Lead Counsel shall make  
10 all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this  
11 litigation, and to avoid duplicative or unproductive effort. Additionally, Lead Counsel shall have  
12 the following responsibilities:

- 13 a. to brief and argue motions;
  - 14 b. to initiate and conduct discovery, including, but not limited to, coordination of  
15 discovery with Defendants' counsel, and the preparation of written  
16 interrogatories, requests for admissions, and requests for production of  
17 documents;
  - 18 c. to direct and coordinate the examination of witnesses in depositions;
  - 19 d. to act as spokesperson at pretrial conferences;
  - 20 e. to initiate and conduct any settlement negotiations with Defendants' counsel;
  - 21 f. to consult with and employ experts;
  - 22 g. to receive and review periodic time reports of all attorneys on behalf of  
23 Plaintiffs, to determine if the time is being spent appropriately and for the  
24 benefit of Plaintiffs, and to determine and distribute Plaintiffs' attorneys' fees;  
25 and
  - 26 h. to perform such other duties as may be expressly authorized by further order  
27 of this Court.
- 28

1           8.       Dana's selection of Kemp Jones, LLP as Liaison Counsel to the Class is  
2 approved.

3           **IT IS SO ORDERED.**

4 DATED: \_\_\_\_\_

5 HONORABLE RICHARD F. BOULWARE, II  
6 UNITED STATES DISTRICT JUDGE  
7 DISTRICT OF NEVADA  
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